



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

February 6, 2004

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

TO: Interested Parties / Applicant

RE: Foamex, LP / 033-16743-00047

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for a stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure
FN-112jdet.dot 9/16/03



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

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February 6, 2004

Mr. Ron Martin 61-50 DW
Foamex, LP
2211 South Wayne Street
Auburn, IN 46706

Re: Response to Review Request No. 16743:
 Section 112(j) Applicability Determination
 Plant ID: 033-00047

Dear Mr. Martin:

Foamex, LP, located at 2211 South Wayne Street in Auburn, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 14, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Foamex, LP is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline. IDEM, OAQ has determined that your source is subject to Section 112(j) for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category. An explanation of this determination is provided below.

MAJOR SOURCE DETERMINATION

The information submitted in the Part 1 MACT Application indicates that Foamex, LP is a major source of HAPs. In addition, the Title V permit for Foamex, LP (T 033-7625-00047, issued on November 11, 1998) indicates that the source is a major source of HAPs. Since Foamex, L.P. is a major source of HAPs, IDEM, OAQ evaluated the source category for which Foamex, L.P. requested an applicability determination. Based on the information available at this time, IDEM, OAQ has determined that your source is subject to Section 112(j) for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category. Explanation of this determination is provided below.

SOURCE CATEGORY DETERMINATION

Industrial, Commercial, & Institutional Boilers and Process Heaters NESHAP

IDEM, OAQ used the following information to determine if the four (4) boilers at Foamex, LP belong to the affected source category, Industrial, Commercial, & Institutional Boilers and Process Heaters:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Foamex, LP;
- The proposed federal rule from the January 13, 2003 *Federal Register*; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

There is no final MACT Standard for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category. The proposed rule for this source category was published on January 13, 2003. Section 63.7490(b) of the proposed rule defines the affected source to which the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT will apply as "each industrial, commercial, or institutional boiler or process heater, as defined in [40 CFR] 63.7485..." The definition of "industrial, commercial, or institutional boiler" provided in 40 CFR 63.7485(a) is: "...an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water."

Three of the four natural gas-fired boilers at Foamex L.P., are rated at 10.5 million British thermal units per hour (MMBtu/hr) and one at 2.1 MMBtu/hr. The four boilers meet the criteria in the definition of a boiler. The purpose of the boilers is to provide steam at Foamex L.P. There are no specific exclusions or exemptions regarding the size of the boiler or the specific use of the thermal energy, other than an exclusion for water heaters. The gas-fired boilers at Foamex L.P. do not meet the criteria in the definition for water heaters. Therefore, it may be reasonably determined that the four natural gas-fired boilers at Foamex L.P., used to produce steam, will be regulated by the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that the four (4) boilers at Foamex, LP belong to the affected source category, Industrial, Commercial, & Institutional Boilers and Process Heaters. If Foamex, LP continues to meet the applicability criteria of 40 CFR 63.50 at the time of the Part 2 MACT Application deadline for this source category, Foamex, LP shall submit a Part 2 MACT Application in accordance with 40 CFR 63.52(e)(2)(i) and 40 CFR 63.53(b), postmarked no later than the Part 2 MACT Application deadline. The Part 2 MACT Application deadline for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category is April 28, 2004. The most current information regarding Section 112(j), including the promulgation schedule for the remaining MACT standards, is available on the OAQ 112(j) web page at <http://www.in.gov/idem/air/permits/112j>. For the most current information regarding this source category, refer to U.S. EPA's Air Toxics Website for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>. IDEM, OAQ will include all applicable MACT requirements in your permit upon renewal.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by Foamex, LP, IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Foamex, LP shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Rebecca Mason or Karthika Thurairajah, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027 and ask for Rebecca Mason at extension 3-9664 or Karthika Thurairajah at extension 3-4227, or dial (317) 233-9664 or (317) 233-4227.

Sincerely,

Original Signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

RM/KT

CC: File – DeKalb County
DeKalb County Health Department
Air Compliance – Doyle Houser
Air Permits Contract Management Section – Trish Earls, Enviroplan Consulting
Administration Section
U.S. EPA Region V – Genevieve Damico